

# **SAFER STREETS, SAFER HOMES: THE SUCCESSES OF THE VIOLENCE AGAINST WOMEN ACT AND THE CHALLENGE FOR THE FUTURE**

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The Violence Against Women Act of 1994 spurred a sea change on the federal, state and local levels in how police, prosecutors, judges, and many others address violence against women. The accompanying Report documents the many achievements that would not have come about but for the Violence Against Women Act. But, there is much more work to be done. The Violence Against Women Act II's goal is to continue what we know worked well under the original Act, to improve it where experience has shown that more can be done, and to add vital new protections for women and children victimized by violence in their homes and on the streets of our communities across the country.

## **CONTINUING AND EXPANDING WHAT WORKS**

Before the Violence Against Women Act became law in 1994, our society -- and the criminal justice system in particular -- all too often ignored or dismissed violence against women. The reality was that women uniquely experienced violence on a daily basis that often went ignored or unpunished. For example, some states failed to recognize the rape of a spouse as a crime; others did not prosecute such rapes unless aggravating circumstances such as a weapon were involved or treated them as less serious crimes with lesser penalties. Police reluctantly made arrests; out-of-state protection orders were not always enforced.

Five years after it became law, the Violence Against Women Act has done much to change the laws and the attitudes that bred and tolerated such violence. However, although the crime rate overall is down, current statistics demonstrate that we still have a long way to go in ensuring the safety of women and their children from those who abuse them. As the attached Fact Sheet shows, women remain the targets of violence in their homes and on the streets. The Violence Against Women Act II will help guarantee that the most important innovations of the original Act, briefly summarized below, will continue in order to protect these women and their children now and on into the next century.

**Extending The Violent Crime Reduction Trust Fund:** Perhaps the most important crime fighting tool created in the 1994 Crime Bill, of which the Violence Against Women Act was an integral part, was the Violent Crime Reduction Trust Fund. The Violent Crime Trust Fund ensures that money is reserved in the appropriations process to fund programs such as those established under the Violence Against Women Act. Since 1995, nearly \$1.4 billion has been appropriated from the Trust Fund to support programs created by the Violence Against Women Act. The Violence Against Women Act II would extend the Trust Fund, currently set to expire in fiscal year 2000, to ensure that the successful programs created under the Act and described in the accompanying Report, as well as the array of other crime-fighting programs created in the 1994 Crime Bill, continue to help women and children victimized by violence for years to come.

**Strengthening Criminal Penalties Against Abusers:** The Violence Against Women Act significantly strengthened federal criminal law relating to crimes of violence against women. (An attached Fact Sheet summarizes how the 1994 Act changed federal criminal law in this area.) The Report details the ways in which, thanks to the Violence Against Women Act of 1994, federal criminal law now provides far greater protections for women who are victims of violence, including stiff penalties for the newly-created crimes of interstate domestic violence and interstate violation of protection orders. The Violence Against Women Act II would strengthen and clarify the reach of these offenses, as well as that of interstate stalking, to enhance our ability to punish abusers as the criminals they are.

**Ensuring Enforcement Of Protection Orders And Encouraging Arrests of Abusers:** Before the Violence Against Women Act, a woman who obtained a protection order issued by one state to keep her abuser away could not be sure that it would be enforced if she worked in, traveled to, or moved to another state. The Violence Against Women Act changed that. It mandated that all states and Indian tribes enforce protection orders issued elsewhere as if they were orders issued by that state or tribe. Perhaps more important, it established grant programs specifically to promote arrests of abusers and ensure that protection orders are given full faith and credit in every jurisdiction. Since the Violence Against Women Act became law, these grants have provided more than \$136 million for financial support, training, and technical assistance to law enforcement, prosecutors, victim advocates, and judges across the country to centralize and coordinate enforcement and prosecution of cases involving violence against women. The Violence Against Women Act II would preauthorize these grant programs to continue the progress to date in encouraging arrests and in enforcing protection orders, such as making it a priority to develop effective communication and data collection systems and equipment to better track abusers.

**Supporting Collaborations Between Law Enforcement, Prosecutors, and Victim Services To Effectively Stop Violence Against Women:** As this Report demonstrates, one of the most remarkable achievements of the Violence Against Women Act is how it has fundamentally changed -- especially where law enforcement, prosecutors, and the courts are concerned -- how victims of violence against women are treated. Through a series of grant programs that reach both large cities and small towns across our country, for the first time a comprehensive approach to providing these women with the support of the criminal justice system and an array of services tailored to their unique needs has become a reality. Key among these is the STOP grant program, which since 1995 has provided nearly \$550 million to all 50 states, tribal governments, the District of Columbia, and five territories. STOP grants help develop and strengthen the criminal justice system's response to violence against women, train prosecutors and law enforcement officers in identifying and responding effectively to violence against women, and support and enhance services for victims. Another program particularly important to rural areas, which present special challenges in ensuring that those who suffer from violence against women receive adequate and effective help, is the Rural Domestic Violence and Child Victimization Enforcement Grant Program. More than \$31 million has been awarded under this program. These and other programs that, as this Report documents, have begun to fill the gaps in services for the victims of

violence would be preauthorized under the Violence Against Women Act II to continue and enhance their track record of success.

**Giving Shelter To Victims of Violence Against Women:** To help address the unmet demand for shelter space that was clear at the time the Violence Against Women Act was passed, funding more than tripled for shelters supported by already-existing programs at the Department of Health and Human Services. States and tribes can use this funding to provide emergency shelters and related services for victims of violence against women and their families. Currently, the Violence Against Women Act funds more than 1,000 shelters and nearly 100 safe houses located in all 50 states, the District of Columbia and Puerto Rico. However, the heightened awareness that shelters exist means that the number of women and children seeking sanctuary is greater than ever before. Hundreds of thousands of women and children are turned away from shelters each year. In one year alone, individual states reported that shelters in those states had to turn away anywhere from 5,000 to more than 15,000 women and children overall. The Violence Against Women Act II would preauthorize these grants at increased levels to help close this “shelter gap” and keep even more women and children safe from abuse in the future.

**Making The Connection--The National Domestic Violence Hotline:** Another centerpiece of the Violence Against Women Act was its creation of a national toll-free hotline, whose number is 1-800-SAFE [7233]. Because of the Hotline, information and assistance to victims of violence against women anywhere in the country is only a phone call away. Staffed by trained individuals personally answering each call who have access to computer databases to make referrals and assist victims in a variety of ways, the Hotline gives callers crisis intervention help, information about violence against women, and referrals to local services. It operates 24 hours a day, seven days a week, provides services for the deaf, and can quickly provide a counselor who speaks English or Spanish or access to translators in many other languages. The Hotline fielded 73,540 calls in 1996, 95,562 calls in 1997, and 109,339 calls in 1998--a nearly 33 percent increase in three years. In March 1999, it took its 300,000<sup>th</sup> call and hit a new high of 10,531 calls during that month. The Violence Against Women Act II would extend the national Hotline's funding to meet this clearly growing demand for information and referral to services for victims of violence against women.

**Protecting Battered Immigrant Women:** The rate of violence against women may be even higher among immigrant women than among U.S. citizens. To prevent women from reporting this abuse, men may threaten to take their children away from the United States or fail to file papers to legalize their wives' immigration status. This can mean that immigrant women are confronted with an insidious choice -- either stay with their abusers or depart the country while leaving their children behind with the abuser. The Violence Against Women Act made it possible for abused immigrant women to petition on their own behalf to remain in this country so that they would have a real ability to escape their abuse; the Violence Against Women Act II would further enhance this crucial safety net for a group of vulnerable women.

## **THE CHALLENGE FOR THE FUTURE**

In addition to preauthorizing and enhancing the successful programs that have existed since 1994 under the original Act, the Violence Against Women Act II would also take new steps to fill gaps in the services and assistance available to help victims of this violence. These include:

- **Civil Legal Assistance Grants:** Once women escape their abusers, they often find that their struggle to stay safe has only just begun as they find themselves facing an array of problems that require legal advice and assistance to solve. The Violence Against Women Act II would establish a comprehensive program to develop a skilled “corps” of attorneys who can effectively meet these women’s range of legal needs with quality services at affordable or no cost. Limited funding for civil legal assistance has been available since fiscal year 1998 under other programs established by the Violence Against Women Act, but grant applications have far outstripped the money available. The Violence Against Women Act II would take steps to address this pressing need by establishing an ongoing civil legal assistance program, including the creation of a database of programs and providers of civil legal assistance that could be accessed as part of the operation of the National Domestic Violence Hotline.
- **Providing Safe Havens for Children:** The Violence Against Women Act II would establish a new grant program to promote and expand the establishment of support centers that would provide supervised visitation of children by abusive parents who are divorced, legally separated, or subject to stay-away protection orders.
- **Increasing Controls on “Date-Rape” Drugs:** Date-rape drugs are used to incapacitate women targeted for sexual assault. They are usually secretly mixed in a drink, causing loss of muscle control, judgment and sometimes consciousness. Not only is the victim unable to resist attack, but often she cannot recall what happened. The Violence Against Women Act II would transfer two date-rape drugs to Schedule I of the Controlled Substances Act to enhance criminal penalties against their use.
- **Enhanced Protection from Violence for Vulnerable Women:** The Violence Against Women Act II would help protect especially vulnerable groups of women -- those who are elderly or disabled -- from violence. It would fund programs to enhance shelters and other services available at the state and local levels to address the unique needs of these women in effective and appropriate ways, and train law enforcement personnel, prosecutors and others to recognize, investigate, and prosecute instances of abuse against older or disabled women.
- **Preventing Workplace Violence Against Women:** Each year, current or former husbands and boyfriends commit more than 13,000 acts of violence against women at their workplace -- leading to lost productivity, pain and suffering, higher medical costs, and absence from work. The Violence Against Women Act II would address this by allowing victims of violence against women to use leave time

guaranteed under the Family and Medical Leave Act for services directly related to that violence. It would ensure that these victims are eligible for unemployment compensation when separation from work is a direct result of the violence. And, it would establish a National Workplace Clearinghouse on Violence Against Women to help employers develop and implement appropriate workplace policies and strategies to combat the effects of violence against women.

- **Prohibiting Insurance Discrimination for Victims of Violence Against Women:** Of the many indignities that victims of violence against women face, one of the most insidious occurs when an insurance company cancels a policy or refuses to issue one because of that abuse. The Violence Against Women Act II would build on existing state initiatives by prohibiting discrimination against victims of family violence in the issuance and administration of health, disability, property and life insurance policies that guarantee these women access to health care and a measure of financial security.

## **CONCLUSION**

As this Report documents, the successes of the Violence Against Women Act are significant. However, we can and must do more. Since its enactment, the Violence Against Women Act has had a ripple effect. It has been a catalyst for change in communities just beginning to address the scourge of family violence, and it has provided the funding to reinforce advances in communities which already had family violence programs. The Violence Against Women Act II will continue the current successful collaboration that has developed among victims, law enforcement, prosecutors, the courts, and groups providing key services. Together, by passing the Violence Against Women Act II, we can help ensure that the fight against violence against women will continue undiminished across our nation into the next century.